

**Elk Rapids Township Planning Commission Meeting  
Meeting Minutes – June 14, 2022**

The meeting of the Elk Rapids Township Planning Commission was called to order by Chairperson Shen Smith at 6:30 PM at the Government Center, 315 Bridge Street, Elk Rapids, MI 49629.

**Present:** Shen Smith, Emile Sabty, Jim Lundy, Zach Amos, Tom Crandall.  
*(Quorum Established)*

**Absent:** Gary Pepler, Matt Soper.

**Also Present:** William Derman, Township Attorney and Larry Nix, Zoning Administrator.

**Audience:** Jim Muth, Woody Wright, Myrna Holland, Carole & Pat Brady, Mary Sawyer, Renate Daniels.

**Adoption of Agenda:** Chairperson Shen Smith suggested amending the June 14, 2022 agenda to move item “I” Unfinished Business ahead of item “G” Township Zoning Administrator and item “H” Legal Staff Report.

**MOTION/S: Crandall/Amos** Motion to approve the agenda as amended.  
Motion Carried.

**Public Comments:**

- Myrna Holland approached the microphone wanting to comment on an item listed on the Zoning Administrators Report – *(New – Elk Rapids Twp – Birch Lake Violation)*.
- The Planning Commission noted this violation should be addressed with the Township Board and/or the Antrim County Road Commission.
- If Ms. Holland had further questions regarding the tree removal violation, she was encouraged to discuss this with the Zoning Administrator.

**Approval of Minutes:** Motion to approve the March 8, 2022 meeting minutes.  
**MOTION/S: Sabty/Lundy** Motion Carried.

**Township PC Chairman Comments:**

- Shen Smith was excited to report this is the first work session the Planning Commission has been able to schedule in the last five/six years.

**Unfinished Business:**

1. Review and discussion of proposed Township Zoning Ordinance Amended text for Section 2.11.

- Zoning Administrator Larry Nix provided a brief summary of his proposed Zoning Ordinance amendment to *Section 2.11 – Restrictions Applicable to Property Abutting Lakes, Rivers or Streams*. A copy of this proposed amendment was provided to the members for review.
- This amendment will help clarify the process and procedure for cutting down 30% of trees on a vacant lot in the 25’ protected zone and give direction when any work is being done in this area.

**MOTION/S: Sabty/Lundy                      Motion to approve the amended text for the Township Zoning Ordinance - Section 2.11 A and schedule a Public Hearing for approval of this text amendment on Tuesday, July 12, 2022 - 6:30 PM.**

**Motion Carried.**

- Emile Sabty reported he will have the public hearing notice published in the June 23, 2022 edition of the Elk Rapids News.

**2. Discussion regarding prior consideration for the creation of an official list of designated and acceptable replacement trees, shrubs and vegetation species with specific criteria as to the tree/plant sizes at the time of planting.**

- Mr. Jim Muth, President of the Birch Lake Association stated he was in agreement with the new language of the Zoning Ordinance. In addition, he would like the Commission to consider giving further thought to Shoreline Protection and introduce a strict fine structure that will get the attention of violators.
- In an effort to provide further clarification to Section 2.11 of the Township Zoning Ordinance, Chairperson Smith suggested the commission work with local experts to come up with a suggested list of native shrubs and trees that would be desirable for planting along the Township shorelines.
- The Commission suggested Larry Nix and any other interested Board members meet with Heidi Shaffer (Antrim Conservation District) and Terry (Barker Creek Nursery), to compile a list of native species plants, trees and shrubs that would serve as a helpful reference and planting guideline.
- This informational planting list will be a stand-alone document. It will be posted on the Township website and become a valuable resource for Township residents who are wanting to plant native shrubs or trees in the 25’ protected area.
- Once this advisory list is compiled, it will require Planning Commission review and approval.
- The Commission noted this list is separate and not part of the Zoning Ordinance.
- This is not a mandatory list. It is a resource of planting suggestions.

**MOTION/S: Smith/Sabty                      Motion for the Commission to move forward and work with local experts to create a list of suggested native trees and shrubs that can be used for planting along the shoreline.**

**Motion Carried.**

**Conclusion:**

- Zoning Administrator Nix will move forward and contact Heidi Shaffer and Barker Creek and work with other interested Board members on this project.
- **Timeframe:** The Commission hopes to have this list compiled by the end of September.

**3. Possible results from searching for zoning ordinance amendments (or township resolutions) for the Township to receive exemplary and/or punitive damage recovery for the loss of time, money and as a deterrent aid in curbing the wanton and systemic destruction of protected lakeshores within Elk Rapids Township.**

- Zoning Administrator Nix has been in contact with Casey Cook, Tip of the Mitt Watershed Council.
- Ms. Cook has been researching this issue and recently provided Mr. Nix with a number of helpful informational documents and examples of tree replacement ordinances and resolutions. Ms. Cook shared multiple page references with possible options on how the Township might proceed with recovery and protection of the shoreline.
- Once Mr. Nix has had the opportunity to review all the research documentation, he will prepare a report and present his recommendations to the Commission.

**4. Unfinished discussion regarding possible duplex sites within agricultural zones.**

**MOTION/S: Lundy/Amos                      Motion to un-table the discussion on possible duplex sites within agricultural zones.**

**Motion Carried.**

- The Commission noted that agricultural property is changing.
- Some areas are not as good for growing crops as they were in years past.
- Some crops are not selling as well as in other years.
- Affordable housing in this area is difficult to find.

**Motion/S: Lundy/Amos                      Motion to table and delete this discussion topic from the agenda.**

**Motion Carried.**

**Township Zoning Administrator Report: (Larry Nix)**

Zoning Administrator Nix provided a brief update on the status of recent zoning violations within the Township. (*Reference: Status of Zoning Violations memo dated June 9, 2022*).

- Renate Daniels – Bass Lake Violation.
- Puuri-Copus Tree Violation – Birch Lake Violation.
- Jeff & Ruth Martin – Tree Violation – Birch Lake.
- Elk Rapids Township – Birch Lake Violation.
- Tim Tran Shoreline Encroachment – Birch Lake.
- George & Diane Glumb Tree Violation – Elk Lake.

## Summary of Discussion following this report:

- A number of questions and concerns were raised about the Township tree violation and the open ditch and culvert on Williams Road.
- Zoning Administrator Nix and the Commission clarified this is not a Planning Commission issue. All questions and concerns should be directed to the Township Board or the Antrim County Road Commission.
- The Commission also discussed the opening of the streams flowing into Birch Lake and the nearby swamp. Chairperson Smith reported approximately 30 years ago the Township added the protection of streams to the ordinance.
- Some Birch Lake residents have noticed water is still running in some of the streams, however, most are clogged and not flowing.
- Fish are no longer spawning in the swamp area; the streams have not been kept open and protected.

## Renate Daniels Bass Lake Violation:

- Ms. Daniels approached the microphone and commented the 30% rule is confusing to new owners and anything the Township can do to clarify this information would be helpful. The Daniels both stated they did not know 30% of the trees were already cut down before they bought their property. They thought they were compliant when they cut down one of the five trees on their property.
- Ms. Daniels requested that the Commission reconsider her application and her revised water side planting plan at the July Planning Commission meeting.
- Ms. Daniels has obtained the appropriate approval from EGLE and a Soil Erosion Permit has been issued by Antrim County for her to proceed with her revised plan.
- Ms. Daniels plans to replace the tree that was previously cut down on her property.
- Zoning Administrator Nix noted that Ms. Daniels can utilize her old application, but because boulders are being added to the shoreline and fill dirt will be added to elevate the property, a new site plan with specific planting information will need to be reviewed by the Planning Commission at a Public Hearing for approval.
- Ms. Daniels asked the Board to consider waiving the \$400 application fee as her original site plan was denied and this would be the second time she is paying for a Township site plan review
- The Commission members discussed and considered waiving the \$400 fee. They also discussed reducing the fee to \$200. However, after much debate and briefly reviewing the expenses to hold a public hearing, the Commission did not want to set a precedence of removing or lowering fees.

**MOTION/S: Lundy/Amos                      Motion to keep the Daniels site plan review fee at \$400.00.**

**Roll Call Vote:                      Lundy YES; Amos YES; Smith YES; Sabty YES;  
Crandall YES. 5 VOTING YES. 0 VOTING NO.  
(Soper and Pepler are absent)**

**Motion Unanimously Carried.**

- Zoning Administrator informed applicant Daniels that it was her choice to plant what she wants in that 25' protected area, however, but she will need to be specific as to what is being planted and what work is being done.
- Zoning Administrator also informed Ms. Daniels that her application and site plan needs to be submitted as soon as possible. The public hearing notice needs to be published in the Elk Rapids News by June 23.
- The Commission encouraged Ms. Daniels to work with Zoning Administrator Nix to insure she has all the documentation necessary if she wants the Commission to schedule a site plan review on July 12, 2022 – 6:30 PM.

**Township Legal Staff Report: (Bill Derman) - Summarized**

- Short Term Rentals – Still pending at the State level.
- District Library – Village and Township suit still pending in Antrim County Circuit Court.
- Farmland Preservation – Farmer can get \$17,000 or more per acre. Sales have been above \$22,000.
- Sewer – Bonds have been issued June 1. Alden State Bank bought the bonds and honored the rate from a year ago.
- Orchard View Site Condos – Larry continues to work with them.
- HERTHA – Work on the windows continue.
- Maple Grove Cemetery – Water system has failed and will hopefully be fixed soon.
- Tart Trail – Nothing new.
- Antrim County Chain of Lakes Hydrology Study - Virtual Session - June 22, 2022 – 4:00 PM – See Antrim County Website for more information.
- Torch River DNR Presentation – June 22, 2022 – 5:00-7:00 PM – Milton Township Old Town Hall. Overview presentation by DNR at 6:00 PM.

**New Business:**

**1) Appoint and approval of Planning Commission member to serve on the ZBA Board.**

- Zach Amos was asked and has agreed to continue his appointment as Planning Commission representative on the Zoning Board of Appeals.

**2) Discuss continuing combined Village and Township Master Plan Project.**

**Motion/S: Lundy/Amos**

**Motion for the Planning Commission to work on the Master Plan Project without the Village.**

**Motion Carried.**

- Last Township Master Plan was adopted October 9, 2018.
- Township must start their review of the Master Plan within five years after it is adopted.
- Commission should start to review of the Master Plan October 2023.

**3) Discuss scheduling a July 12, 2022 Planning Commission meeting.**

- **Public Hearing** – To amend text: Township Zoning Ordinance – Chapter 2 General Provisions, Section 2.11 Restrictions Applicable to Property Abutting Lakes Rivers and Streams, Sub-Section 2.11-A.
- Emile Sabty will submit public hearing notice to the Elk Rapids News for the June 23rd edition.
- **Renate Daniels** – Site Plan Review if her paperwork is submitted to Zoning Administrator Nix in time for the June 23<sup>rd</sup> Elk Rapids News publication.

**Public Comments:**

- Jim Muth thanked Zoning Administrator Nix and the Commission for their work on saving trees and updating the Zoning Ordinance. The Birch Lake Association is willing to work with the Township on these issues.
- Mr. Muth brought up the culvert and drain issue on Williams Road that has caused concern for residents on Birch Lake. They are waiting on a EGLE report. The Birch Lake Association wants to work with the Township toward resolution of this issue so everyone is happy.

**Member Comments:**                      **None.**

**MOTION/S: Lundy/Amos**              **Motion to Adjourn.**  
**Motion Carried.**

**Adjournment:**                              **8:31 PM**